

ADJOURNMENT.

On motion of Senator Wilson, the Senate, at 10:30 o'clock a. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

COMMITTEE REPORTS.

The following committee reports were offered:

PUBLIC LANDS AND LAND OFFICE.

MAJORITY REPORT.

Committee Room,
Austin, Texas, April 16, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to provide for the sale of all the public free school and asylum lands and the timber thereon, and to protect said lands from free use and unlawful enclosure, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be printed.

GRINNAN, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, April 16, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: We, a minority of your Committee on Public Lands and Land Office, to whom was referred

Substitute Senate bill No. 8, A bill to be entitled "An Act to amend Sections 1, 2 and 3, of Chapter 125, Acts of the Regular Session of the Twenty-seventh Legislature, relating to the sale and purchase and manner of filing on State school and asylum lands,"

Do not concur in the report of the majority, and beg to recommend that it *do not* pass, and that the following substitute *do* pass.

SEBASTIAN,
BRACHFIELD,
GRINNAN.

TENTH DAY.

Senate Chamber,

Austin, Texas, Friday, April 17, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

| | |
|-------------|------------|
| Brachfield. | Hicks. |
| Cain. | Lipscomb. |
| Decker. | Martin. |
| Douglass. | McKamy. |
| Faubion. | Mills. |
| Faulk. | Morris. |
| Faust. | Patteson. |
| Grinnan. | Paulus. |
| Hale. | Savage. |
| Hanger. | Sebastian. |
| Harbison. | Stafford. |
| Harper. | Willacy. |
| Henderson. | Wilson. |

Absent.

| | |
|-------------|-------------|
| Beaty. | Davidson of |
| Davidson of | Galveston. |
| DeWitt. | Hill. |
| | Perkins. |

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Mills, the same was dispensed with.

EXCUSED.

Senators Hill and Davidson of DeWitt, as shown absent by the roll call, were in committee room.

On motion of Senator Hanger, Senator Beaty was excused from attendance upon the Senate for today and tomorrow on account of important business.

On further motion of Senator Hanger, Senator Patteson was excused from attendance upon the Senate for today and tomorrow on account of a death in his family.

On motion of Senator Lipscomb, Senator Paulus was excused from attendance upon the Senate on yesterday on account of important business.

Morning call concluded.

RESOLUTIONS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House Concurrent Resolution No. 2, Inviting the survivors of the battle of San Jacinto to visit the capitol on Tuesday, April 21, 1903, the anniversary of that great event.

Senate Concurrent Resolution No. 1, Relating to the permanent school fund of the State of Texas (see Senate Journal of 7th inst).

HOUSE BILL NO. 3 ON THIRD READING.

On motion of Senator Douglass, the special order of business (Senate bill No. 6) was suspended, and the Senate took up, out of its order, House bill No. 3.

The Chair laid before the Senate, on its third reading,

House bill No. 3, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas maturing the first of January, 1904, by issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds; the manner of sale or exchange of the new bonds, and making an appropriation for expenses incurred under the provisions of this act."

The bill was read third time, and passed by the following vote:

Yeas—26.

| | |
|-------------|------------|
| Brachfield. | Hicks. |
| Cain. | Hill. |
| Davidson of | Lipscomb. |
| DeWitt. | Martin. |
| Decker. | McKamy. |
| Douglass. | Mills. |
| Faubion. | Morris. |
| Faulk. | Paulus. |
| Faust. | Savage. |
| Grinnan. | Sebastian. |
| Hale. | Stafford. |
| Hanger. | Willacy. |
| Harper. | Wilson. |
| Henderson. | |

Absent.

| | |
|-------------|-----------|
| Davidson of | Harbison. |
| Galveston. | Perkins. |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

SENATE BILL NO. 10—TEXT-BOOK BILL.

On motion of Senator Davidson of DeWitt the special order of business (Senate bill No. 6) was suspended, and the Senate took up, out of its order, Senate bill No. 10.

The Chair laid before the Senate, on its second reading,

Senate bill No. 10, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein

named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency."

With the following substitute bill by the committee:

S. S. B. No. 10.] [By Committee.

A BILL

TO BE ENTITLED

An Act to create a State Text Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor of the State of Texas as soon as this act shall take effect, shall appoint four teachers, citizens of the State of Texas, from different sections of said State, who, together with the Governor, shall constitute the State Text Book Board, of which the Governor shall be chairman, and the board shall, when called together by the Governor for that purpose, adopt and maintain a uniform system of text books for use in the public schools in this State, and for the further purpose of executing the provisions of this act; provided, that no one of said four teachers to be appointed by the Governor shall be in any way connected with any of the normal schools of this State, nor shall any one of them be a teacher in any city of this State exempted from the operation of this act. The board is hereby authorized and required to select and adopt a uniform system of text books to be used in the public free schools of Texas, and the series so selected shall include text books on the following subjects: Spelling, a graded series of reading books, a course in language lessons, grammar and elementary English composition, geography, arithmetic, mental arithmetic, elements of physiology and hygiene, history of the United States, history of Texas, and a graded system of writing books; provided, that none of said text books shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools in conjunction with the

English course prescribed by this act, but the teaching of such languages shall not supersede the use of the text books herein prescribed; and provided further, that nothing herein shall be construed to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act.

Sec. 2. The text books selected by the board shall be selected after a careful examination and consideration of all presented, and shall be the best text books in the opinion of the board, taking into consideration merit, price, and the general good of the public schools and its patrons; provided, also, that no book shall be taken in exchange that was not in use in the public schools prior to May 1, 1903, or which was not purchased by book dealers for the session of 1902 and 1903.

Sec. 3. The Governor shall immediately upon the taking effect of this act advertise in such manner as he may deem best, that at a time and place fixed in the said notice, and not later than sixty days after this act takes effect, sealed bids will be received. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books offered; and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the board may require, not less than five hundred dollars nor more than two thousand five hundred dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as are herein required within such time as the board may require, which time shall be specified in the notice advertised; and it shall further be required of all publishers submitting bids to the board for its consideration that they file with the Secretary of State an affidavit that no member of the board is in any manner interested, directly or indirectly, in any firm or corporation submitting books for adoption. If the fact should be disclosed that any member of the board is so interested it shall work a disqualification of such member of the board, and he shall not be permitted to serve on the board created under the provisions of this act; or if it should further appear or be disclosed that any member of the board is interested in any book or series of books as the author, associate author, or in any other manner, such fact shall likewise work a disqual-

ification of such member, and he shall not be permitted to serve upon the board.

Sec. 4. Any vacancy occurring upon the board shall be filled by appointment by the Governor. All bids shall be sealed and deposited with the Governor of the State to be by him delivered to the board in session for the purpose of considering the same. All bids shall be opened in the presence of the board. When any person has been awarded a contract and he has filed his bond and contract with the board, it shall make an order on the Treasurer of the State, reciting such fact, and thereupon the Treasurer shall return the deposit of such successful bidder; but if any successful bidder shall fail to make and execute the contract and bond as hereinbefore provided, the Treasurer shall place the deposit of said bidder in the State Treasury to the credit of the available school fund, and the board shall readvertise for other bids to supply such books which the said bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the board has decided not to accept their bids. All books adopted by the board shall be printed in English. The board shall stipulate in the contract that where a change shall have been made from the books now in use that the contractor or contractors shall take in exchange the respective books at present adopted by the State or by any city having a population in excess of ten thousand in part payment for the new books; and all bidders under this act shall state what allowance they will make for the said respective books adopted by the State, or by any city having a population in excess of ten thousand now in the hands of the patrons of the public schools when offered in exchange for the new books adopted under this act; provided, that said allowance and condition for the exchange of the old books shall be in force during the scholastic year beginning September the 1st, 1903. The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond, payable to the State of Texas, and in a sum of not less than ten thousand dollars, to be approved by the Governor, such bond to be conditioned that the contractor or contractors shall faithfully and fully perform all the conditions of the contract. The contract and bond shall be prepared by the Attorney General, and shall be made to conform with all the requirements of this act, and shall be payable in Travis county, Texas, which shall be deposited in the

office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered, and the board may at any time after twenty days notice require a new bond to be given, and in the event the contractor or contractors shall fail to furnish such new bond the contract of such contractor or contractors may at the option of the board be forfeited.

Sec. 5. It shall be the duty of the board to meet at the time and place mentioned in the notice and advertisement, and shall adopt such rules and regulations as may be necessary to the transaction of its business not contrary to the provisions of this act, and shall then and there open and examine the sealed proposals received; and it shall be the duty of the board to make a full and complete investigation of all books and bids accompanying the same. The merit of the books shall be the main point to be considered in their adoption. The board shall proceed without delay to adopt for use in the public schools in this State, text books on the branches hereinbefore mentioned, and shall notify the publishers to whom contracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers and agents, and if it is found to be in accordance with the award and all the provisions of this act, and if the bond herein required is presented and duly approved the board shall approve said contract and order it to be signed on behalf of the State by the Governor, in his capacity as chairman. All contracts shall be made in duplicate. One copy to remain in the custody of the Secretary of the State, and to be copied in full in the minutes of the meeting of the board in a well-bound book, and the other copy to be delivered to the company or its agent. The contract or exchange prices of each book shall be plainly printed on the back of each book, together with the following notice: "The prices marked hereon are fixed by the State, and any deviation therefrom should be reported to the State Superintendent at Austin, Texas." The board shall not in any case contract with any publisher for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which the said publisher or publishers furnish and distribute the same book or books under contract with any other State, county, or school district in the United States; provided, that no book or books shall be purchased from any person, firm or corporation who is a member of or connected with

any trust, if such book or books can be purchased from any other source at the same price.

Sec. 6. It shall be part of the terms and conditions of every contract made in pursuance of this act that the State of Texas shall not be liable to any contractor thereunder for any sum whatever, but all such contractors shall receive compensation solely and exclusively from the proceeds of the sale of books as provided in this act, and it is hereby provided that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified as to make necessary or expedient that such contract should be revoked, and all contracts shall contain a stipulation to that effect.

Sec. 7. As soon as the board shall have entered into the contracts for the furnishing of books for use in the public schools in this State under the provisions of this act, it shall be the duty of the Governor to issue his proclamation of such fact to the people of the State, and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the board, and such copies of said books shall be securely kept as the standard of quality and excellence to be maintained in said books during the continuance of the contracts.

Sec. 8. The party with whom each contract has been made shall establish and maintain in some city in this State a depository where a stock of their goods to supply all immediate demands shall be kept, and shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools, as shown in the last preceding report of the county superintendent, on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. And any person in a county, not having an agency for the adopted books, may order from the central agency, and the books so ordered shall be sent to him at any postoffice in such county at the retail contract price; provided, that the price of the book so ordered shall be paid in advance. Upon failure of any contractor under the provisions of this act to furnish the books as provided in the contract and in this act, the county judge wherein said books have not been so furnished shall report the fact to the Attorney General, who shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and recover on

the bond given by such contractor for the full value of the books not furnished as required, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Unorganized counties shall be furnished from the same agency as the county to which said unorganized county is attached for judicial purposes in the same manner as such organized county.

Sec. 9. As soon as practicable after the adoption of the text books provided for in this act the Superintendent of Public Instruction shall address a circular letter to the county superintendents and the presidents of school boards in independent districts and all cities having a population in excess of ten thousand, which circular letter shall contain a list of the books adopted with their respective prices and exchange prices, together with such other information as he may deem advisable.

Sec. 10. The books adopted by the board under the provisions of this act shall be introduced and used as text books to the exclusion of all others in the public free schools of this State, for a period covering five scholastic years beginning September the 1st, 1903, or as soon thereafter as practicable, subject to the exceptions contained in this act; provided, nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made, or in the event that the contractor fails or refuses to furnish the books provided for in this act at the time that said books are required for use in the schools.

Sec. 11. The provisions of this act shall not apply to any city in this State having a population in excess of ten thousand, but any city may adopt the books selected under this act, and in the event of such adoption have the right to purchase at the price and upon the terms as prescribed in any contract made under the provisions of this act.

Sec. 12. Any school trustee who shall prevent or aid in preventing the use, in any public school in this State, of the books, or any of them, as adopted under the provisions of this act, or any teacher in this State who shall wilfully fail or refuse to use the books as adopted under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than fifty dollars for such offense, and each day of such willful failure or refusal by said teacher or willful prevention of the use of the books by said school trustee shall constitute a separate offense.

Sec. 13. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the available school fund of this State for the purpose of paying the cost and expense of putting into effect the provisions of this act.

Sec. 14. The fact that the text book law approved June 10, 1897, is about to expire by limitation, the importance of this measure to the people of Texas, the near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity, requiring that the constitutional rule providing that bills shall be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Senator Davidson of DeWitt moved that the committee substitute bill be adopted.

The motion prevailed.

Senator Stafford offered the following amendment:

(1)

"Amend Section 1, page 11, by striking out all after the word 'act,' in line 6, down to and including the word 'State,' in line 8."

(Senator Willacy in the chair.)

Senator Davidson of DeWitt moved to table the amendment.

Yeas and nays were called for, and the amendment was tabled by the following vote:

Yeas—23.

| | |
|-------------|------------|
| Brachfield. | Harper. |
| Cain. | Henderson. |
| Davidson of | Hicks. |
| DeWitt. | Hill. |
| Decker. | Lipscomb. |
| Douglass. | Martin. |
| Faulk. | McKamy. |
| Faust. | Mills. |
| Grinnan. | Paulus. |
| Hale. | Savage. |
| Hanger. | Sebastian. |
| Harbison. | Willacy. |

Nays—4.

| | |
|----------|-----------|
| Faubion. | Stafford. |
| Morris. | Wilson. |

Absent.

| | |
|-------------|----------|
| Davidson of | Perkins. |
| Galveston. | |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

Senator Stafford offered the following amendment:

(2)

"Amend Section 1, line 1, page 11, by adding after the word 'Governor' the following: 'And Superintendent of Public Instruction.'"

Senator Davidson of DeWitt moved to table the amendment.

Yeas and nays being called for, the amendment was tabled by the following vote:

Yeas—20.

| | |
|---------------------|------------|
| Cain. | Henderson. |
| Davidson of DeWitt. | Hicks. |
| | Hill. |
| Decker. | Lipscomb. |
| Douglass. | Martin. |
| Faulk. | McKamy. |
| Faust. | Mills. |
| Grinnan. | Paulus. |
| Hanger. | Savage. |
| Harbison. | Sebastian. |
| Harper. | |

Nays—7.

| | |
|-------------|-----------|
| Brachfield. | Stafford. |
| Faubion. | Willacy. |
| Hale. | Wilson. |
| Morris. | |

Absent.

| | |
|------------------------|----------|
| Davidson of Galveston. | Perkins. |
|------------------------|----------|

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

(Lieutenant Governor Neal in the chair.)

Senator Stafford offered the following amendment:

(3)

"Amend Section 2, page 17, line 2, by adding after the word 'patrons' the following: 'Provided, that books by Texas authors or publishers shall have preference, price and merit being equal, to other books offered.'"

Senator Davidson of DeWitt moved to table the amendment.

Yeas and nays were demanded, and the amendment was tabled by the following vote:

Yeas—19.

| | |
|---------------------|------------|
| Brachfield. | Hanger. |
| Cain. | Harper. |
| Davidson of DeWitt. | Henderson. |
| | Hicks. |
| Decker. | Hill. |
| Douglass. | Martin. |
| Faulk. | McKamy. |
| Faust. | Mills. |
| Grinnan. | Savage. |
| Hale. | Willacy. |

Nays—6.

| | |
|-----------|-----------|
| Harbison. | Lipscomb. |
|-----------|-----------|

| | |
|------------|-----------|
| Morris. | Stafford. |
| Sebastian. | Wilson. |

Absent.

| | |
|------------------------|----------|
| Davidson of Galveston. | Paulus. |
| Faubion. | Perkins. |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

Senator Faulk offered the following amendment:

(4)

"Amend by adding after the word 'board,' line 32, page 12, the following: 'And each member of said board, except the Governor, after call session of said board at which any books are adopted, shall make and file with the Secretary of State an affidavit in writing that he is not and has not been, directly or indirectly, interested in or related to any publishing house, person, firm or corporation submitting any books for adoption, or in any books offered for adoption, nor is he related to any person or agent representing such house, person, firm or corporation.'"

The amendment was adopted.

Senator Henderson offered the following amendment:

(5)

"Substitute for Section 11:

"Section 11. The provisions of this act shall apply and be observed in all schools taught in this State to which any part of the available common free school fund has been apportioned, and accepted; this provision to apply, however, only to the first eight grades of the present normal system as now taught in this State, wherein is taught spelling, reading, writing, language lessons, English grammar, composition, geography, arithmetic, physiology and hygiene, history of the State of Texas, and of the United States.'"

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 17, 1903.

Hon. Geo. D. Neal, President of the Senate,

SIR: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House Concurrent Resolution No. 4.

Also that the House has passed House Joint Resolution No. 4, Requesting the Governor and the State Superintendent of Public Instruction to confer with the trustees of the Peabody Fund in regard to their publicly announced intention of considering the ad-

visability of concentrating the Peabody Fund for the establishment and maintenance of a teachers' college.

Respectfully,

MARK LOGAN,
Acting Chief Clerk, House of Representatives.

RECESS.

On motion of Senator Henderson, the Senate, at 12:35 o'clock p. m., took a recess until 3 o'clock p. m. today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

PENDING BUSINESS (TEXT-BOOK BILL) RESUMED.

Action being on the amendment introduced by Senator Henderson,

Senator Decker offered the following substitute for the amendment:

"Amend the bill by striking out 'Section 11' of the bill."

(Senator Hanger in the chair.)

Senator Davidson of DeWitt moved the previous question on the substitute and the amendment.

The previous question was duly seconded, and was so ordered.

On the substitute the yeas and nays were demanded, and the substitute was lost by the following vote:

Yeas—5.

| | |
|----------|-----------|
| Cain. | Morris. |
| Decker. | Stafford. |
| Grinnan. | |

Nays—21.

| | |
|-------------|------------|
| Brachfield. | Henderson. |
| Davidson of | Hicks. |
| DeWitt. | Hill. |
| Douglass. | Lipscomb. |
| Faubion. | Martin. |
| Faulk. | McKamy. |
| Faust. | Mills. |
| Hale. | Paulus. |
| Hanger. | Savage. |
| Harbison. | Sebastian. |
| Harper. | Willacy. |

Absent.

| | |
|-------------|----------|
| Davidson of | Perkins. |
| Galveston. | Wilson. |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

Question—Shall the original amendment be adopted?

The yeas and nays were demanded,

and the amendment was lost by the following vote:

Yeas—7.

| | |
|------------|------------|
| Cain. | Morris. |
| Douglass. | Sebastian. |
| Henderson. | Stafford. |
| Martin. | |

Nays—17.

| | |
|-------------|-----------|
| Brachfield. | Harper. |
| Davidson of | Hicks. |
| DeWitt. | Hill. |
| Decker. | Lipscomb. |
| Faulk. | Mills. |
| Faust. | Paulus. |
| Hale. | Savage. |
| Hanger. | Willacy. |
| Harbison. | Wilson. |

Present—Not voting.

| | |
|----------|---------|
| Grinnan. | McKamy. |
|----------|---------|

Absent.

| | |
|-------------|----------|
| Davidson of | Faubion. |
| Galveston. | Perkins. |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

PAIRED.

Senator Grinnan (present) who would vote yea, with Senator Faubion (absent) who would vote nay.

Senator McKamy (present) who would vote yea, with Senator Davidson of Galveston (absent) who would vote nay.

Senator Brachfield offered the following amendment:

(6)

"Amend by adding after the word 'Governor,' in line 2, page 13, the following: 'As provided in Section 1 of this act.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

(7)

"Amend by adding after the word 'act,' in line 5, page 18, the following: 'Provided, that the teachers selected under the provisions of this act shall receive the sum of \$5.00 per day while on duty and actual traveling expenses in going to and returning from place of meeting.'"

The amendment was adopted.

Senator Cain offered the following amendment:

(8)

"Amend by adding Section 11a after Section 11, as follows:

"Section 11a. Any independent school district in this State which does

now or may hereafter pay by direct taxation 60 per cent. or over of the entire amount expended on its public schools, shall not be subject to the provisions of this act, unless it shall adopt the same by a vote of the qualified voters therein."

Senator Davidson of DeWitt moved to table the amendment.

The amendment was tabled by the following vote:

Yeas—19.

| | |
|-------------|------------|
| Brachfield. | Lipscomb. |
| Davidson of | Martin. |
| DeWitt. | McKamy. |
| Decker. | Mills. |
| Douglass. | Morris. |
| Faulk. | Savage. |
| Grinnan. | Sebastian. |
| Harbison. | Stafford. |
| Harper. | Willacy. |
| Hicks. | Wilson. |

Nays—7.

| | |
|---------|------------|
| Cain. | Henderson. |
| Faust. | Hill. |
| Hale. | Paulus. |
| Hanger. | |

Absent.

| | |
|-------------|----------|
| Davidson of | Faubion. |
| Galveston. | Perkins. |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

Senator Cain offered the following amendment:

(9)

"Amend Section 11 by striking out 'ten thousand,' and insert in place thereof the words 'seven thousand five hundred (7,500).'"

Senator Davidson of DeWitt moved to table the amendment.

The motion prevailed.

Senator Davidson of DeWitt moved the previous question on engrossment of the bill.

The motion being duly seconded, it was so ordered.

Bill was read second time, and ordered engrossed.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

| | |
|-------------|------------|
| Brachfield. | Grinnan. |
| Davidson of | Hale. |
| DeWitt. | Hanger. |
| Douglass. | Harbison. |
| Faulk. | Harper. |
| Faust. | Henderson. |

| |
|-----------|
| Hicks. |
| Hill. |
| Lipscomb. |
| Martin. |
| McKamy. |
| Mills. |
| Morris. |

| |
|------------|
| Paulus. |
| Savage. |
| Sebastian. |
| Stafford. |
| Willacy. |
| Wilson. |

Nays—2.

| |
|-------|
| Cain. |
|-------|

| |
|---------|
| Decker. |
|---------|

Absent.

| | |
|-------------|----------|
| Davidson of | Faubion. |
| Galveston. | Perkins. |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

Senator Decker offered the following amendment:

(10)

"Amend the bill by adding after the word 'geography,' line 15, page 11, the following: 'Physical geography, elementary Latin, Greek, algebra, geometry and physics, civil government'; and further amend by striking out the words 'Latin or Greek,' line 22, page 11."

The amendment was lost by the following vote:

Yeas—8.

| | |
|-------------|------------|
| Brachfield. | Hill. |
| Decker. | Savage. |
| Grinnan. | Sebastian. |
| Harper. | Wilson. |

Nays—18.

| | |
|-------------|-----------|
| Cain. | Hicks. |
| Davidson of | Lipscomb. |
| DeWitt. | Martin. |
| Douglass. | McKamy. |
| Faulk. | Mills. |
| Faust. | Morris. |
| Hale. | Paulus. |
| Hanger. | Stafford. |
| Harbison. | Willacy. |
| Henderson. | |

Absent.

| | |
|-------------|----------|
| Davidson of | Faubion. |
| Galveston. | Perkins. |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

The bill was read third time, and passed by the following vote:

Yeas—26.

| | |
|-------------|------------|
| Brachfield. | Hale. |
| Cain. | Hanger. |
| Davidson of | Harbison. |
| DeWitt. | Harper. |
| Decker. | Henderson. |
| Douglass. | Hicks. |
| Faulk. | Hill. |
| Faust. | Lipscomb. |
| Grinnan. | Martin. |

McKamy.
Mills.
Morris.
Paulus.
Savage.

Sebastian.
Stafford.
Willacy.
Wilson.

Absent.

Davidson of Faubion.
Galveston. Perkins.

Absent—Excused.

Beaty. Patteson.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

Senator Hicks moved that the speeches of Senators Henderson and Willacy be printed in the Journal.

Senator Willacy amended the motion by adding Senator Hicks's name.

The motion to add Senator Hicks's name prevailed, and

The motion as amended prevailed.

(See Appendix of tomorrow's Journal for speeches in full.)

(See Appendix for the above bill as amended.)

SENATE BILL NO. 6—WATER AND LIGHT BILL.

The Chair laid before the Senate, on its second reading, special order for to-day,

Senate bill No. 6, A bill to be entitled "An Act to provide a system of electric power, electric lights and waterworks for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; create a board with authority to purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along the streets and alleys and public highways in the city of Austin, and public roads adjacent thereto, and to secure from private owners, by purchase, or condemnation proceedings if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant; to make an appropriation therefor, and to declare an emergency."

Senator Willacy offered the following amendment:

(1)

"Amend by striking out the words 'whose duty it shall be,' in lines 23 and 24, page 1."

Pending discussion of the amendment, Senator Davidson of DeWitt moved that further consideration of the bill be postponed until Tuesday morning, and be made special order at conclusion of morning call.

The motion prevailed.

ADJOURNMENT.

On motion of Senator Hill, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

(Following is a copy of Substitute Senate bill No. 10, as amended by the Senate. It is published in the Journal by request.)

S. S. B. No. 10.]

[By Committee.

A BILL

TO BE ENTITLED

An Act to create a State Text-Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor of the State of Texas as soon as this act shall take effect shall appoint four teachers, citizens of the State of Texas, from different sections of said State who, together with the Governor, shall constitute the State Text-Book Board, of which board the Governor shall be chairman, and said board shall, when called together by the Governor for that purpose, adopt and maintain a uniform system of text-books for use in the public schools in this State and for the further purpose of executing the provisions of this act; provided, that no one of said four teachers to be appointed by the Governor, shall be in any way connected with any of the normal schools of this State, nor shall any one of them be a teacher in any city of this State exempted from the operation of this act. The board is hereby authorized and required to select and adopt a uniform system of text-books to be used in the public free schools of Texas, and the series so selected shall in-

clude text-books on the following subjects: Spelling, a graded series of reading books, a course in language lessons, grammar and elementary English composition, geography, arithmetic, mental arithmetic, elements of physiology and hygiene, history of the United States, history of Texas, and a graded system of writing books; provided, that none of said text-books shall contain anything of a partisan or sectarian character, and that nothing in this act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools in conjunction with the English courses prescribed by this act, but the teaching of such languages shall not supersede the use of the text-books herein prescribed; and provided further, that nothing herein shall be construed to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act.

Sec. 2. The text-books selected by the board shall be selected after a careful examination and consideration of all presented, and shall be the best text-books in the opinion of the board, taking into consideration merit, price, and the general good of the public schools and its patrons; provided, also, that no book shall be taken in exchange that was not in use in the public schools prior to May 1, 1903, or which was not purchased by book dealers for the session of 1902 and 1903.

Sec. 3. The Governor shall, immediately upon the taking effect of this act, advertise in such manner as he may deem best, that at a time and place fixed in said notice, and not later than sixty days after this act takes effect, sealed bids will be received. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books offered; and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the board may require, not less than five hundred dollars, nor more than two thousand five hundred dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as are herein required within such time as the board may require, which time shall be specified in the notice advertised; and it shall be further required of all publishers submitting bids to the board for its consideration that they file with the Secretary of State an affidavit that

no member of the board is in any manner interested, directly or indirectly, in any firm or corporation submitting books for adoption. If the fact should be disclosed that any member of the board is so interested it shall work a disqualification of such member of the board and he shall not be permitted to serve on the board created under the provisions of this act; or if it should further appear or be disclosed that any member of the board is interested in any book, or series of books, as the author, associate author or in any manner, such fact shall likewise work a disqualification of such member and he shall not be permitted to serve upon the board. And each member of said board except the Governor, after a called session of the board at which any books are adopted, shall make and file with the Secretary of State an affidavit in writing that he is not, and has not been, directly or indirectly interested in or related to any publishing house, person, firm or corporation submitting any books for adoption, or in any books offered for adoption, nor is he related to any person or agent representing such house, person, firm or corporation.

Sec. 4. Any vacancy occurring upon the board shall be filled by appointment by the Governor as provided in Section 1 of this act. All bids shall be sealed and deposited with the Governor of the State, to be by him delivered to the board in session for the purpose of considering the same. All bids shall be opened in the presence of the board. When any person has been awarded a contract and he has filed his bond and contract with the board it shall make an order on the Treasurer of the State, reciting such fact, and thereupon the Treasurer shall return the deposit of such successful bidder; but if any successful bidder shall fail to make and execute the contract and bond as hereinbefore provided, the Treasurer shall place the deposit of said bidder in the State treasury to the credit of the available school fund, and the board shall advertise for other bids to supply such books which the said bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the board has decided not to accept their bids. All books adopted by the board shall be printed in English. The board shall stipulate in the contract, that where a change shall have been made from the books now in use, the contractor or contractors shall take in exchange the respective books at present adopted by the State or by any city having a population in excess of ten thousand, in part payment for the new

books; and all bidders under this act shall state what allowance they will make for the said respective books adopted by the State, or by any city having a population in excess of ten thousand, now in the hands of the patrons of the public schools when offered in exchange for the new books adopted under this act; provided, that said allowance and condition for the exchange of the old books shall be in force during the scholastic year beginning September 1, 1903. The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond, payable to the State of Texas and in a sum of not less than ten thousand dollars, to be approved by the Governor; such bond to be conditioned that the contractor or contractors shall faithfully and fully perform all the conditions of the contract. The contract and bond shall be prepared by the Attorney General and shall be made to conform with all the requirements of this act, and shall be payable in Travis county, Texas, which shall be deposited in the office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered and the board may at any time after twenty days' notice require a new bond to be given, and in the event the contractor or contractors shall fail to furnish such new bond the contract of such contractor or contractors may at the option of the board be forfeited.

Sec. 5. It shall be the duty of the board to meet at the time and place mentioned in the notice and advertisement and shall adopt such rules and regulations as may be necessary to the transaction of its business not contrary to the provisions of this act, and shall then and there open and examine the sealed proposals received; and it shall be the duty of the board to make a full and complete investigation of all books and bids accompanying the same. The merit of the books shall be the main point to be considered in their obligation. The board shall proceed without delay to adopt for use in the public schools in this State, text-books on the branches hereinbefore mentioned, and shall notify the publishers to whom contracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers and agents, and if it is found to be in accordance with the award and all the provisions of this act and if the bond herein required is presented and duly approved the board shall approve said contract and order it to be signed on behalf of the State by

the Governor in his capacity as chairman. All contracts shall be made in duplicate. One copy to remain in the custody of the Secretary of State and to be copied in full in the minutes of the meeting of the board in a well-bound book, and the other copy to be delivered to the company or its agent. The contract or exchange prices of each book shall be plainly printed on the back of each book, together with the following notice: "The prices marked hereon are fixed by the State and any deviation therefrom should be reported to the State Superintendent at Austin, Texas." The board shall not in any case contract with any publisher for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which the said publisher or publishers furnish and distribute the same book or books under contract with any other State, county or school district in the United States; provided, that no book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust, if such book or books can be purchased from any other source at the same price.

Sec. 6. It shall be part of the terms and conditions of every contract made in pursuance of this act that the State of Texas shall not be liable to any contract, or thereunder for any sum whatever, but all such contractors shall receive compensations solely and exclusively from the proceeds of the sale of books as provided in this act; and it is hereby provided, that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified as to make necessary or expedient that such contract should be revoked, and all contracts shall contain a stipulation to that effect.

Sec. 7. As soon as the board shall have entered into the contracts for the furnishing of books for use in the public schools in this State under the provisions of this act it shall be the duty of the Governor to issue his proclamation of such fact to the people of the State, and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the board and such copies of said books shall be securely kept as the standard of quality and excellency to be maintained in said books during the continuance of the contracts.

Sec. 8. The party with whom each contract has been made shall establish and maintain in some city in this State a depository where a stock of their goods to supply all immediate demands shall be kept, and shall establish and

maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools as shown in the last preceding report of the county superintendent on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. And any person in a county, not having an agency for the adopted books, may order from the central agency, and the books so ordered shall be sent to him at any postoffice in such county at the retail contract price; provided, that the price of the book so ordered shall be paid in advance. Upon failure of any contractor under the provisions of this act to furnish the books as provided in the contract and in this act, the county judge wherein said books have not been so furnished shall report the fact to the Attorney General, who shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and recover on the bond given by such contractor for the full value of the books not furnished as required, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Unorganized counties shall be furnished from the same agency as the county to which said unorganized county is attached for judicial purposes in the same manner as such organized county.

Sec. 9. As soon as practicable after the adoption of the text-books provided for in this act, the Superintendent of Public Instruction shall address a circular letter to the county superintendents and the presidents of school boards in independent districts and all cities having a population in excess of ten thousand, which circular letter shall contain a list of the books adopted, with their respective prices and exchange prices, together with such other information as he may deem advisable.

Sec. 10. The books adopted by the board under the provisions of this act shall be introduced and used as text-books to the exclusion of all others in the public free schools of this State, for a period covering five scholastic years, beginning September the first, 1903, or as soon thereafter as practicable, subject to the exceptions contained in this act; provided, nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made, or in the event that the contractor fails or refuses to furnish the books provided for in this act at the time that said books are required for use in the schools.

Sec. 11. The provisions of this act shall not apply to any city in this State having a population in excess of ten thousand, but any city may adopt the books selected under this act, and in the event of such adoption have the right to purchase at the price and upon the terms as prescribed in any contract made under the provisions of this act.

Sec. 12. Any school trustee who shall prevent or aid in preventing the use, in any public school in this State, of the books, or any of them as adopted under the provisions of this act, or any teacher in this State who shall wilfully fail or refuse to use the books as adopted under the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars, nor more than fifty dollars for such offense and each day of such willful failure or refusal by said teacher or willful prevention of the use of the books by said school trustee shall constitute a separate offense.

Sec. 13. The sum of one thousand dollars or so much thereof as may be necessary is hereby appropriated out of the available school fund of this State for the purpose of paying the cost and expense of putting into effect the provisions of this act; provided, that the teachers selected under the provisions of this act shall receive as compensation for their services the sum of \$5.00 per day while on duty, and actual traveling expenses in going to and returning from place of meeting.

Sec. 14. The fact that the text-book law approved June 10, 1897, is about to expire by limitation, the importance of this measure to the people of Texas, the near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills shall be read on three several days be suspended and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

ENROLLED BILLS.

Committee Room,
Austin, Texas, April 17, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 1, Providing for the appointment of a joint committee of five in number, to be composed of two State Senators and three members of the House of Representa-

tives, to be appointed by the presiding officer of each House, whose duty shall be to consider all matters that in anywise pertain to the public common school fund and the university funds,

And find the same correctly enrolled, and have this day at 11:15 o'clock a. m., presented same to the Governor for his approval.

HALE, Chairman.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas, Saturday, April 18, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

| | |
|-------------|------------|
| Brachfield. | Hill. |
| Cain. | Lipscomb. |
| Davidson of | Martin. |
| DeWitt. | McKamy. |
| Decker. | Mills. |
| Faubion. | Morris. |
| Faulk. | Paulus. |
| Faust. | Perkins. |
| Grinnan. | Savage. |
| Hale. | Sebastian. |
| Harbison. | Stafford. |
| Harper. | Wilson. |
| Henderson. | Willacy. |
| Hicks. | |

Absent.

| | |
|-------------|-----------|
| Davidson of | Douglass. |
| Galveston. | Hanger. |

Absent—Excused.

| | |
|--------|-----------|
| Beaty. | Patteson. |
|--------|-----------|

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Decker, the same was dispensed with.

MEMORIAL.

Senator Davidson of DeWitt offered the following memorial:

THE TEXT-BOOK BILL.

Texas will not be without a text-book law. Notwithstanding the talk of a powerful lobby, the Texas Legislature will do its duty and the lobby will have its pains for its trouble, except insofar as it may aid the lawmakers in avoiding error. Boodle and booze may win in some northern Legislatures, but Texas has a different kind of Legislature.

It is proposed in the Senate to put

the responsibility of the new commission upon the Governor, and to restrict the membership of the commission to actual teachers of the schools affected by the school book law, excluding from membership all teachers in schools which are exempt from the operation of the law.

Both the propositions are rational. In the first instance, no member of the commission is to be made secure in his position by law, and hence if a mistake should be made in the estimate of the character of any individual appointed he could be removed. Appointed by the executive, the membership would be responsible to him for good service, and it would be much more difficult for venal influences to be brought to bear. Such a provision will furnish a long step toward the insurance of patriotic devotion to the public welfare in the discharge of these deeply important functions.

In the second instance, one great danger is wholly obviated, to wit: the selection of some ambitious author who has the most desirable work ever written on that particular subject. The presence of such an author would be a handicap to any board; for human nature at bottom is kindly, and the appeal of the individual present and closely associated is calculated to obscure to no small degree the interests of the absent patrons of the schools, who have no means by which to exploit their needs and their weaknesses.

There is no reason why these proposals should not be enacted into law. Those who teach the primary and grammar grades are better able to judge the needs of pupils in these grades than the men who have been devoting years to the study of best means for promoting higher education. The text-book law is for the common schools; therefore let the common schools have charge of the task of selecting the books to be used in them.

To repeat, the text-book bill will pass, for this Legislature is representative of the people. When it has passed, Texas will have a better law than ever before.

SENATE BILL NO. 5.—GENERAL APPROPRIATION BILL.

The Chair laid before the Senate on its second reading, Senate bill No. 5, the General Appropriation bill.

Question being on the State Purchasing Agent's Department, with the following pending amendment:

"Amend page 15, by inserting between lines 15 and 16 the following: 'Salary of porter, \$360—\$360,'"

Senator Sebastian moved to table the amendment, yeas and nays being demanded.